

REMARKS

Claims 2, 4 and 6 – 27 are in the instant application. Claims 4, 10, 18, 21 and 22 are amended to more positively recite various embodiments of applicants' patentably novel packaging restraint. Claims 4 and 21 are objected to. No claims are allowed.

Claims 2, 4 and 6 – 27 are subject to a restriction requirement. An election of claims 2, 4 and 6 – 25 was made with traverse. The Office Action alleges that the restriction requirement is proper and that the restriction requirement is deemed necessary and proper. In view of the foregoing, claims 26 and 27 are withdrawn from consideration as being directed to non-elected claims.

The Office Action states that claims 4 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitation of the base claim and any intervening claims. Applicants to eliminate this issue have amended claim 4 to include the limitations of independent claim 2 on which it was dependent and have amended claim 21 to include the limitations of independent claim 16 on which it was dependent.

Applicants respectfully submit that the amendments to claims 4 and 21 do not add new subject and respectfully request admittance of the amendments to, consideration of, withdrawal of the objection to, and allowance of, claims 4 and 21.

Claims 10, 18, 22 and 24 are objected to because of the following informalities. Regarding claims 10, 18 and 22, the Office Action alleges that the phrase "(0.2 kilograms/square meter to 0.6 square/square meter)" needs to be deleted because the range of 3 to 9 lb./in² is equivalent to 0.2 to 0.6 kg/m² and that there is no need to include both ranges in the claims. Applicants respectfully traverse the objection to claims 10, 18 and 22; however, to eliminate this issues claims 10, 18 and 22 have each been amended by deleting "(0.2 kilograms/square meter to 0.6 square/square meter)."

Applicants respectfully submit that the amendments to claims 10, 18 and 22 do not add new subject matter and respectfully request

admittance of the amendments to, consideration of, and withdrawal of the objection to, claims 10, 18 and 22.

Regarding claim 24, the Office Action alleges that in line 5 of claim 24 the term "the" before --at least-- needs to be removed to avoid grammatical errors. Applicants respectfully submit that the definite article "the" before --at least-- is proper and needed to reference the "at least one laminated restraint" recited in claim 23 on which claim 24 is dependent. Without the definite article "the" recited before --at least one restraint-- in claim 24, the recitation of the term --at least one restraint-- in claim 24 can be read to include another --at least one restraint--.

Based on the foregoing, applicants respectfully request withdrawal of the objection to claim 24.

Claims 2, 6, 7, 11, 14 – 16, 20 and 23 – 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Moehring U.S.P.N. 3,938,660 (hereinafter also referred to as "Moehring"). Applicants respectfully traverse the rejection of claims 2, 6, 7, 11, 14 – 16, 20 and 23 – 25 under 35 U.S.C. 102(b) as being anticipated by Moehring. Claim 2 is an independent claim having claims 6, 7, 11, 14 and 15 dependent thereon; claim 16 is an independent claim having claim 20 dependent thereon, and claim 23 is an independent claim having claims 24 and 25 dependent thereon.

Independent claims 2, 16 and 23 each recite, among other things, in one form or another, a laminated L- shaped restraint having an outer L-shaped layer (a substantially L-shaped second layer in claim 2; an outer layer having a first member and a second member defining a vertex in claims 16 and 23) and an inner layer (a first layer of a compressible material in claim 2, and first and second legs including at least partly of a compressible material in claims 16 and 23). The outer layer is an abrasive-resistant material (claim 2) or has a hardness greater than the inner layer (claims 16 and 23).

Moehring in column 4, lines 44 – 57, discloses a pad 50 of corrugated plastic or fiber sheet material. There is no disclosure in Moehring of a laminate L-shaped restraint made of an outer layer and an inner layer with the outer layer made of a material harder than the inner layer or an abrasive-resistant material. Applicants' laminated restraint provides for a

compressible surface to engage the articles to be shipped, e.g. glass sheets and a harder or abrasive-resistant outer layer to support the banding used to maintain the sheets as a unitized pack.

Moehring does not disclose a laminated restraint having a hard or abrasive-resistant outer layer and a compressible inner layer as recited in applicants' claims, and therefore, Moehring cannot anticipate applicants' patentable novel packing restraint recited in claims 2, 6, 7, 11, 14 – 16, 20 and 23 – 25.

Based on the foregoing, applicants respectfully request withdrawal of the rejection of claims 2, 6, 7, 11, 14 - 16 and 23 – 25 under 35 U.S.C. 102(b) as being anticipated by Moehring.

Claims 8 – 10, 12, 13, 17 – 19, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moehring in view of Maurice U.S.P.N. 4,851,286 (hereinafter also referred to as "Maurice").

Applicants respectfully traverse the rejection of claims 8 – 10, 12, 13, 17 – 19, and 22 under 35 U.S.C. 103(a) as being unpatentable over Moehring in view of Maurice and request reconsideration thereof. Claims 8 - 10, 12 and 13 are dependent on claim 2; claims 17 – 19 are dependent on claim 16, and claim 22 is an independent claim.

Claims 2 and 16 and Moehring were discussed above. Claim 22 recites, among other things, a laminated restraint having an inner layer and an outer layer with the outer layer having a hardness greater than the inner layer.

Applicants respectfully submit that an artisan skilled in the art would not combine the disclosures of Moehring and Maurice because Moehring relates to using banding and pads to provide a unitized pack of glass sheets, whereas Maurice relates to reducing the rate of deceleration to minimize or prevent damages to the articles (see column 1, lines 47 – 49, of Maurice). There is no disclosure in Maurice that the foam pads can be used with banding to unitize the sheets of Moehring. Therefore one skilled in the art would not combine Moehring and Maurice.

For the sake of discussion only and without making any admissions that an artisan would combine Moehring and Maurice, applicants respectfully submit that the combined disclosure of Moehring and Maurice would not render applicants' packaging restraint recited in claims 8 – 10, 12,


13, 17 – 19 and 22 obvious. More particularly, as discussed above there is no disclosure in Moehring of a laminated packing restraint having an inner layer and an outer layer with the outer layer harder than the inner layer or an outer layer made of an abrasive-restraint material. Maurice does not cure this defect of Moehring. More particularly, combining Moehring and Maurice would provide a cushioning element made two foamed polymeric materials having different densities. The cushioning element of Maurice used by Moehring would not have applicants' laminated restraint recited in claim 2 having a outer layer and an inner layer with the outer layer made of an abrasive resistant material; would not have applicants' restraint recited in claim 16 having an outer layer and an inner layer with the outer layer including at least partly a material having a hardness greater than the inner layer, and would not recite applicants' laminated restraint recited in claim 22 having an inner layer and an outer layer with the outer layer harder than the inner layer.

Based on the foregoing, applicants respectfully request withdrawal of the rejection of claims 8 –10, 12, 13, 17 – 19 and 22 under 35 U.S.C. 103(a) as being unpatentable over Moehring in view of Maurice and request allowance of claims 2, 6 – 20 and 22 - 25.

This amendment represents a sincere effort to place the application in condition for allowance. In the event issues remain, the Examiner is invited to call the undersigned to discuss those issues before further action is taken on the case.

Respectfully submitted,

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